

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. DON HARMON

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REP. TIM SCHMITZ

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SEN. TONY MUÑOZ
SEN. SUE REZIN
SEN. DALE A. RIGHTER
SEN. IRA SILVERSTEIN
REP. GREG HARRIS
REP. LOU LANG
REP. DAVID R. LEITCH
REP. DONALD L. MOFFITT
REP. ANDRE´ THAPEDI

MINUTES

January 14, 2014

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on January 14, 2014 at 11:00 a.m. in Room 600-C of the Michael J Bilandic Building, Chicago, Illinois.

Co-Chair Schmitz called the meeting to order and announced that the policy of the Committee is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. Other persons are encouraged to submit their comments in writing.

ATTENDANCE ROLL CALL

X Senator Pamela Althoff	X Representative Greg Harris
X Senator Don Harmon	X Representative Lou Lang
X Senator Tony Muñoz	X Representative David Leitch
X Senator Sue Rezin	X Representative Donald Moffitt
X Senator Dale Righter	X Representative Timothy Schmitz
X Senator Ira Silverstein	Representative Andre´ Thapedi

APPROVAL OF THE MINUTES OF THE DECEMBER 17, 2013 MEETING

Representative Lang moved, seconded by Senator Righter, to approve the minutes of the December 17, 2013 meeting. The motion passed unanimously.

REVIEW OF AGENCY RULEMAKINGS

Secretary of State – Lobbyist Registration and Reports (2 Ill. Adm. Code 560; 37 Ill. Reg. 20784) (Emergency)

Senator Harmon moved, seconded by Representative Harris, that JCAR object to the Secretary of State using emergency rulemaking to adopt these rules because no emergency situation existed that required adoption of this rulemaking in less time than is required under the general rulemaking procedures of Section 5-40 of the IAPA. The motion passed unanimously.

CONSIDERATION OF OTHER RULEMAKINGS

Co-Chair Schmitz asked if any member desired consideration of any other rulemaking. Senator Muñoz requested consideration of an IGB emergency rule and Representative Harris requested consideration of an HFS emergency rule.

Illinois Gaming Board – Video Gaming (11 Ill. Adm. Code 1800; 37 Ill. Reg. 19882) (Emergency)

Senator Muñoz moved, seconded by Representative Harris, that JCAR object to and suspend this emergency rulemaking because the Board does not have specific statutory authority to create the Video Gaming Exclusion List. The motion passed unanimously by roll call vote (11-0-0).

Department of Healthcare and Family Services – Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147; 38 Ill. Reg. 1205) (Emergency)

Representative Harris moved, seconded by Senator Muñoz, that JCAR object to and suspend Section 147.335(a)(7)(B) of, and the repeal of Section 147.355(b) of, this emergency rule because HFS has not shown sufficient cause for reducing the enhanced care add-on rate for ventilator care to a level that covers only the cost of supplies when the add-on rate had previously included the cost of ventilator care services. JCAR finds that this reduction is contrary to the public interest because it will cause financial hardship for nursing homes that agree to take ventilator dependent residents and it could threaten the health, safety and welfare of nursing home residents. The motion passed 10-0-1 (Present – Lang) by roll call vote.

CERTIFICATION OF NO OBJECTION

Representative Moffitt moved, seconded by Representative Leitch, that the Committee inform the agencies to whose rulemakings the Committee did not vote an Objection or an Extension, or did not remove from the No Objection List, that the Committee considered their respective rulemakings at the monthly meeting and, based upon the Agreements for modification of the rulemakings made by the agencies, no Objections will be issued. The motion passed unanimously.

EXPEDITED CORRECTIONS

Department of Healthcare and Family Services – Specialized Health Care Delivery Systems (89 Ill. Adm. Code 146; 37 Ill. Reg. 19748)

Senator Rezin moved, seconded by Senator Althoff, that JCAR approve and certify HFS' request for Expedited Correction effective 10/28/13. The motion passed unanimously.

Department of State Police – Electronic Transmission of Fingerprints (20 Ill. Adm. Code 1265; 37 Ill. Reg. 19754)

Representative Lang moved, seconded by Senator Righter, that JCAR approve and certify HFS' request for Expedited Correction effective 10/3/13. The motion passed unanimously.

AGENCY RESPONSE

Emergency Management Agency – School and Campus Safety Grants (29 Ill. Adm. Code 310; 37 Ill. Reg. 13963)

In response to the Recommendation, IEMA agreed to seek an amendment to the IEMA Act [20 ILCS 3305/5(g)] to clarify that these grants can be issued to K-12 schools and special education cooperatives. No further action is needed. Staff will monitor IEMA's progress.

ILLINOIS STATE POLICE UPDATE ON CONCEALED CARRY IMPLEMENTATION

Co-Chair Schmitz asked if a representative from the Illinois State Police was present.

Suzanne Bond, ISP Chief Legal Counsel, and Matthew Davis, ISP Lieutenant Colonel, were present.

Co-Chair Schmitz asked the ISP representatives to update JCAR on its progress with implementing the concealed carry paper application process and general concealed carry implementation progress.

Col. Davis: ISP met with its vendor. Paper applicants can initiate the process by calling ISP and undergoing a brief interview. A paper application will be generated and sent to the applicant. The applicant will be required to complete additional information related to criminal and mental health history, sign the application and attach required documentation (training certificates, photographs, etc.) and return the application packet to the vendor who will process payment and forward the application packet to ISP for processing. ISP will complete application processing, determine eligibility and issue either the permit or notification of denial of the permit.

Co-Chair Schmitz thanked Col. Davis for the update and asked if any member had additional questions.

Senator Rezin: How many people have applied for FCCL permits to date?

Col. Davis: 20,000 applications have been processed to payment phase and ISP receives approximately 1,000 applications per day.

Representative Harris requested additional clarification of the process after payment has been received and ISP determines to issue the permit.

Col. Davis: Clarified the post-payment process and added that, once the payment has been processed and ISP has revised and processed the application, the objection period begins during which local law enforcement is notified that the individual has applied for a permit.

Representative Moffitt: When does ISP expect the first permits to be issued?

Col. Davis: Electronically submitted applications could result in permit issuance as early as March

1. Under the paper application plan, applicants are expected to receive permits by July 1.

FEBRUARY MEETING DATE

Co-Chair Schmitz announced that the next monthly meeting is scheduled for Tuesday, February 18, 2014 at 10:00 a.m., Room C-1, Stratton Office Building, Springfield IL.

ADJOURNMENT

Senator Harmon moved, seconded by Representative Lang, that the meeting stand adjourned. The motion passed unanimously.

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